

This record is a partial extract of the original cable. The full text of the original cable is not available.

C O N F I D E N T I A L SECTION 01 OF 02 ABUJA 001184

SIPDIS

E.O. 12958: DECL: 06/30/2015

TAGS: PHUM PGOV KDEM KCOR KCRM NI ELECTIONS

SUBJECT: ON THE EVE OF THE DECISION ON THE 2003 ELECTION
CHALLENGE, NIGERIA'S SUPREME COURT IS ACCUSED OF CORRUPTION

REF: ABUJA 460

Classified By: Acting POL/ECON Counselor Lawrence A. Walker for reasons
1.4 (b) and (d)

SUMMARY

1. (SBU) Intrigue, politics, and mudslinging have taken center stage at Nigerian Supreme Court. On June 21, a few days before delivering a judgment on the conduct of 2003 Nigerian presidential elections, Chief Justice of Nigeria (CJN) Muhammadu Uwais was accused of receiving bribes from a party to a case before the Supreme Court. Never before has a lawyer stood before the Supreme Court justices to allege corrupt practices against them. Justice Uwais, due to retire next year, scoffed at the allegations and challenged his accusers to produce their evidence. Later, he said that "certain unnamed forces" within and outside the Supreme Court wanted to force him into early retirement. He expressed his readiness "to die for Nigeria" while doing his job.

DRAMA AT THE SUPREME COURT

2. (U) On June 21, a lawyer addressing a panel of five Supreme Court justices, headed by CJN Uwais, accused the judges of receiving 13 new Honda cars from the opposing party (a Honda dealer) in the dispute before the Court. Never before has a lawyer stood before the Supreme Court justices to allege corrupt practices against them. The official method for handling complaints against judges is to file a petition to the National Judicial Council (NJC). CJN Uwais admitted his surprise at this attack method in a widely circulated press interview: "I have been in this court since 1979 and to the best of my knowledge, there was no moment when litigants came to the face of the court to say that the judge or judges are corrupt and they would not like their case be heard."

3. (SBU) Ephraim Duru, the attorney who made the accusations, is lead counsel for Globe Motors Holdings Limited, who is suing Honda Place Limited. (Note: Honda Place is owned by the Vaswani brothers, Indian nationals alleged to have business links with Vice President Atiku Abubakar. They were deported in 2003 by President Obasanjo following irreconcilable differences with tycoon Aliko Dangote, a major contributor to Obasanjo's campaign funds during elections, but the brothers maintain their business interests in Nigeria. End Note.)

4. (U) Duru offered documents to support his claim that the justices have received 13 Hondas from Honda Place. Both the panel of justices and the assembled observers reacted with surprise. Uwais challenged Dure: "Come, remove your wig and gown, swear and tell us how we received bribe. How can any responsible counsel allow himself to be used in this way? You are commissioned to do a dirty job!"

CURIOUS TWISTS AND TURNS

5. (SBU) This dispute between the Honda dealers dates from 2001 and has appeared before two previous judicial panels, one headed by Justice Adolphus Karibi-Whyte, the other by Justice Saliyu Alpha Belgore. CJN Uwais did not participate in the two previous panels. When the Belgore panel dismissed Globe Motors' petition in February 2003, Uwais ordered the case relisted for hearing, with himself in charge of the new panel, which first sat in April 2003. All the lawyers representing the parties were present in court at that time, including Duru, and none raised any objection. Observers were surprised when Duru accused the justices of impropriety more than two years later. Some argued if Uwais had a personal interest in the case, he would have accepted the decision of Belgore's panel in Honda Place's favor.

6. (C) Curiously, after the stormy court session, Justice Belgore, a strong contender to be the next CJN after Uwais, reportedly handed over money to two journalists that covered the court sitting. Belgore is believed to be the sponsor of the negative campaign against the justices.

FLURRY OF ALLEGATIONS "NOT NEW"

17. (SBU) Apart from the allegation of receiving cars, a petition filed by Duru accused Uwais of buying houses in Nigeria and abroad, maintaining foreign bank accounts, and giving out two official cars to each of his two wives. The petition also accused the CJN of using his position to get his son a job with one of Nigeria's leading banks. Uwais was also accused of interfering in the Rivers State case against Halliburton Energy Services Nigeria Limited, the American oil firm.

18. (SBU) Uwais denied everything, telling reporters these allegations were not new. He said that over the last few years, there had been several similar court petitions written to dent his image. The current petition, he said, is from the same group, "Patriotic Derivative Front," that had accused the Supreme Court Justices of receiving about 5 billion naira (about USD 38 million) to find that Delta State Governor James Ibori of Delta State was not an ex-convict and therefore was allowed to hold office (reftel). Uwais said he believed the attacks were meant to force him to retire prematurely. "The people behind it want to hurry me out of here so they can take over."

19. (U) Uwais laughed when journalists asked him to respond: "The Supreme Court has no Honda cars. The National Judicial Council has 13 cars. The Federal Judicial Service Commission has five Honda cars. These were purchased from dealers in Abuja. You can find out. In the Supreme Court, every justice has a Mercedes as his official car and he has what is called a backup car, normally a Peugeot."

110. (U) On the topic of the properties he owns, Uwais declared that he owns five houses, one of which he inherited, the other four purchased with mortgages. He denied maintaining any foreign bank account, explaining that he had an English bank account as a student there, but closed it when he returned to Nigeria after graduation.

111. (U) Uwais emphatically denied interfering in the Rivers State case, stating that his only involvement was to respond to a petition by Halliburton requesting a stay of judgment against the company. Halliburton had been directed to pay about USD 6.3 million to some communities of the Niger Delta, and had both filed an appeal against the judgment and requested a stay of judgment. Uwais denied the request for a stay of judgment.

112. (U) Asked whether he was worried, Uwais replied, "I am worried for both myself and the institution...All these allegations, all these calumnies to give money to others to do dirty jobs. I do fear for my life but that will not stop me from doing my job. If I die today for the sake of Nigeria, I feel fulfilled," he concluded.

COMMENT

113. (C) Justice Belgore's agenda is unclear. Sources believe he has links with Generals Ibrahim Babangida and Abdulsalami Abubakar, both former military heads of state, and is also friendly with Obasanjo. Some observers suggested that Belgore knows the July 1 verdict, and finding it unfavorable to the presidency, may be trying to intimidate or harass the Chief Justice into changing it. Other observers suggest that Belgore may simply want Uwais' job as Chief Justice.

CAMPBELL